

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION
NO. 4:16-CR-00009-FL

UNITED STATES OF AMERICA :
 :
 v. :
 :
 JULIAN CORNELIOUS SMALLWOOD, III :

AMENDED ORDER OF FORFEITURE

WHEREAS, pursuant to the entry of a Memorandum of Plea Agreement entered into by the defendant on May 11, 2016 and a Consent to Forfeiture on January 3, 2017, the Court finds that the following property is hereby forfeitable pursuant to 18 U.S.C. § 924(d)(1), made applicable to this proceeding by virtue of 28 U.S.C. § 2461(c), as ammunition used in knowing violations of 18 U.S.C. §§ 922(g)(1) and 924, to wit: a) forty nine rounds of .22 caliber ammunition, and b) Two boxes of .22 caliber ammunition;

AND WHEREAS, by virtue of said Memorandum of Plea Agreement and Consent to Forfeiture, the United States is now entitled to possession of said personal property, pursuant to Fed. R. Crim. P. 32.2(b)(3);

AND WHEREAS, the Court having heard testimony and determined that the firearm seized from the defendant, a Stevens

12-gauge pump, serial number 131320H, is not owned by the defendant but was stolen from an innocent victim, Oleg Leon;

It is hereby ORDERED, ADJUDGED and DECREED:

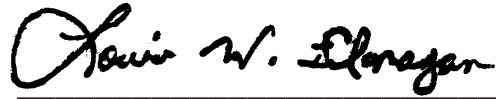
1. That based upon the Memorandum of Plea Agreement and Consent to Forfeiture as to the defendant JULIAN CORNELIOUS SMALLWOOD, III, the United States is hereby authorized to seize the above-stated ammunition, and it is hereby forfeited to the United States for disposition in accordance with the law, including destruction, as allowed by Fed. R. Crim. P. 32.2(b)(3). In accordance with Fed. R. Crim. P. 32.2(b)(4)(A), this Order is now final as to the defendant.

2. That upon sentencing and issuance of the Judgment and Commitment Order, the Clerk of Court is directed to incorporate a reference to this Order of Forfeiture in the applicable section of the Judgment, as required by Fed. R. Crim. P. 32.2(b)(4)(B).

3. That the Government shall return the non-forfeited firearm to the victim, Oleg Leon, or to this subrogee, provided that the recipient of the firearm is authorized to legally possess a firearm.

The Clerk is hereby directed to send copies of this Order to all counsel of record.

SO ORDERED. This 23rd day of January, 2017.

A handwritten signature in black ink, reading "Louise W. Flanagan". The signature is written in a cursive style with a large, looped initial "L".

LOUISE W. FLANAGAN
United States District Judge